

REMARKS

In his action made final the Examiner objected to Claim 1, which has been amended, and rejected Claims 1-20 under §112 for failure to comply with the written description requirement. With regard to written description the Examiner argues that the limitation in Claim 1 and 11 related to the inability of the deployment line to supply compressive force is not described within the specification. It is the position of the Applicant that the line described inherently possesses this characteristic and that for this reason the limitation is supported by the specification.

The Examiner has rejected Claims 1, 2 and 4-20 as obvious in view of Huebsch '422 and Kerr '896. In the Examiner's view Huebsch '422 possesses all of the limitations in the claims save the use of a sheath which is supplied in his view by the Kerr '896 reference. With Huebsch the mechanism for deploying the ASD device is described as a shaft 231 which can supply not only the necessary tension to deploy the device but also can provide torque to reorient it. In Applicant's view this is a clear teaching of a shaft-like rod which could supply compressive force and for this reason does not meet the limitation in the claim. However, Applicant has further amended the claim to prohibit the application of torque or rotational force through Applicant's deployment line thereby further distinguishing and clarifying the distinctions between the Applicant's device and the prior art. With regard to the teachings of Kerr the Applicant agrees with the Examiner that a delivery sheath 28 is shown for the deployment of the embolic filter generally designated as 10 in the figures.

In Applicant's view a necessary constructional feature is not present within the combine teachings of the two references applied by the Examiner.

Claim 3 has been rejected under the combination of Huebsch '422, Kerr '869, further in view of Kotula '261. The Examiner argues that the limitation in Claim 3 to a shape memory characteristic is supplied by Kotula. Applicant reiterates his argument that the combination of Huebsch and Kerr does not render obvious Claim 1 and further notes that properly understood the teaching of Claim 3 is that a self-expanding device can be controlled by the tension in the deployment system presented in Claim 1. Claim 3 has been amended to further describe this feature of the invention.

For these reasons Applicant respectfully requests reconsideration of allowability of the amended claims.

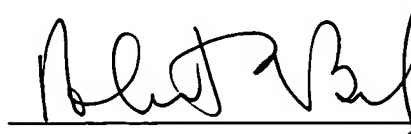
CONCLUSION

All of the claims remaining in this application should now be seen to be in condition for allowance. The prompt issuance of a notice to that effect is solicited.

Respectfully submitted,
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By its attorneys:

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